C.5/53.

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High Court of Mysore,
Bangalore.
Dated 27th January 1953.

My dear Sri Ramachandra Rao,

I am in receipt of your D.O.No. T 4178, dated 15-1-53, and communicated your decision to my colleagues. It appears to us that the point of view conveyed to you in my previous letter regarding the action proposed to be taken on the Report of Sri N. Balakrishnaiya has not been made sufficiently clear to you and therefore not properly appreciated.

The object of asking Sri Balakrishnaiya to conduct the enquiry was to satisfy ourselves whether the allegations in the petition had any substance or were prima facie true. The enquiry was conducted in the way in which such enquiries are usually conducted and that is the reason why no oath was administered to the witnesses before they were examined nor were they cross-examined. It must be noted that the enquiry was not meant to fasten any responsibility for making the allegations on any one, much less on the petitioners. The failure to administer oath or to cross-examine the witnesses can have no significance regarding the question now before us, viz. to institute criminal proceedings. I need not remind you that police investigations are expressly required to be made without recourse to the administration of oath to the witnesses and without subjecting them to cross-examination; but nevertheless such investigations normally form the basis of criminal prosecutions. I may while on this matter invite your kind attention to a decision reported in 27 Mys.C.C.R. 293 and to the following observation therein :-

> "This case was one which was argued by eminent counsel at great length before Jenkins,C.J. and Stephen and Chaudhuri, JJ. and all three Judges after careful consideration of the whole of the case-law upon the point have expressed very decidedly their respective opinions that on an application for sanction no notice to the accused need issue, and no preliminary enquiry in respect of the application need be held.

> This is the view held also in (1919) 55 Ind.Cas. 107, (1915) 32 Ind.Cas. 674, (1917) 43 Ind.Cas. 409 and (1914) 28 Ind.Cas. 513; and it is in our opinion in strict accordance with the terms and objects of section 195, Criminal Procedure Code, which really require no more than that before according sanction, the court shall be reasonably satisfied that there is prima facie and sufficient grounds for granting it".

I may add that this is the correct and proper rule to follow in cases of this nature.

I feel it my duty to point out that a report submitted after enquiry by a High Court Judge is entitled to respect and his recommendations should not be ignored or summarily shelved. It has always been recognized that enquiries of this nature should be conducted by Judges of the High Court and in recent times graver and more important issues have been so referred to one or other of the Judges of the High Court by the Government. It will be a bad precedent if a report submitted and the recommendations made by a Judge of our High Court are treated as less sacrosanct than the report of an Investigation Officer of the Police Department. I may add, without seeking to enter into a discussion about the necessity or otherwise of examining the witnesses referred to by you in your letter, that it may have appeared to Sri Balakrishnaiya, as it appears to me, that the examination of those witnesses was neither necessary nor proper at this stage for, as already set out, it was not the intention or purpose of the enquiry to have one or the other of the parties convicted. It will be pertinent to point out to you that the Amildar, who has been examined, has supported the Magistrate and that the officers mentioned by you in your letter could not be expected to throw more light than the neighbours of the Magistrate, viz. the District Health Officer and the Advocates who have been examined. The matter in any event was within the discretion of the enquiring Judge and it must also be remembered that he was not invited by the petitioners to examine any other witnesses. It is open to

any one to examine those officers in the course of the trial if they think that their evidence is relevant or useful.

It will be necessary to emphasize that Sri Balakrishnaiya was deputed to hold a departmental enquiry about the allegations of wholesale, persistent and chronic corruption -- the most serious and damaging allegations that could be made against any Judge and that in intemperate language. The petition was referred to me by you as the note on the petition shows "for due notice and needful action" and if it had been found as a result of the enquiry that any of the allegations against the Magistrate were true or even probable it would have resulted in the condign punishment of the Magistrate. The petitioners did not want merely a transfer of their cases, which would have been dealt with in the ordinary way by the District Magistrate, but they wanted first an immediate transfer of the Magistrate and then a drastic punishment to him. It will be pertinent to point out in this connection that your first reaction to the presentation of the petition was an immediate transfer of the Magistrate without even giving him a hearing, much less a chance, to disprove the several allegations made against him. The report submitted by Sri Balakrishnaiya points to the definite inference, if not to the conclusion, that the petition is the outcome of an attempt by an influential coterie, to frighten the Magistrate in order to deflect him in the discharge of his duty as a Magistrate in a pending case, and that the allegations are entirely baseless and made mala fide. It seems to me that under these circumstances the proper and the only course is to initiate criminal proceedings against those responsible. The persons responsible will have full and unfettered opportunity in open court to substantiate the allegations in the petition and the result of the trial

is of course subject to appeal to the highest court in the land. They can therefore have no grievance if they are called upon to face the consequences of their actions. The question of cost should not be allowed to come in the way in cases of this type and in any event I do not see how, if the prosecution is conducted in the normal way, any question of heavy cost can arise.

It must also be remembered that the petition has not been signed or made by a person who feels aggrieved in any particular case. If an aggrieved person had made an application for transfer of his case in the usual way, his actions would have been understandable and might have been viewed, as suggested in your letter, with "a little indulgence" in a "nascent Democracy". But in the present case, according to the report of Sri Balakrishnaiya, the petition containing false and scurrilous allegations against a judicial officer, though signed by several of the local inhabitants, has actually been engineered by an influential litigant -- which is itself very disconcerting from the point of view of the judicial officer -- and the petition so got up has been caused to be used as a lever to the detriment of the Magistrate. You say in your letter that such petitions are common and this is exactly what I wrote to you in my previous letter, viz. that a systematic attempt is being made by a few to belittle and discredit the Mysore Judiciary which, as you are kind enough to state in your letter, is enjoying the confidence and respect of the people of the State. It seems to me that, under the circumstances, effective steps are needed to check this growing evil and unless checked it will assume monstrous proportions and be a real menace to the good name of the judiciary in the State. The High Court feels that the interest of our "nascent Democracy" referred to in your letter, for the progress of which all of us are striving,

striving, demands action without fear or favour regardless of the influence of a person or persons involved in the episode.

I wish to make it clear that the action suggested by me is entirely in the interest of the Judiciary of the State and its people and is in keeping with the respect due to the report and recommendation of a Judge of our High Court. Once a feeling is allowed to grow that a person or persons with influence or authority can with impunity mudsling, blackmail, frighten or influence the judicial officers, the judicial system in the State so well preserved for such a long time will have to face a collapse.

I would therefore request you to see your way to review your decision in the light of these observations. The Magistrate has also applied for permission to prosecute those responsible for the allegations and I felt it my duty to write to you again in the matter in order to prevent the judicial officers from coming to entertain an idea that they do not have the full support of their Government to vindicate their honour and integrity unjustly and recklessly assailed while their influential but evil-minded detractors can hope to secure the indulgence of the Government on grounds of cost and the interest of "nascent Democracy".

Thanking you for an early reply,

With very kind regards,

Yours sincerely,

Sd/- P. Medapa.

Sri A.G.Ramachandra Rao,B.A.,LL.B.,
Minister for Law to the Government of Mysore,
Bangalore.

"COPY"

affairs in Mysore having been exercising a good deal of agitation in the mind of the people of this State, and in order to keep you fully aware of happenings here, I am writing this letter. ~~Public interest is the compelling necessity~~ — I consider it my duty as Constitutional Head of the State to keep you completely informed of events as they have been happening in Mysore. The only consideration which has restrained me till now is that I should not be in a hurry to judge the administration carried on by the Ministry put in office by the Party which has secured a considerable majority at the General Elections. Seventeen months have passed and the manner in which the affairs of the State are being managed has caused much unhappiness to me as one who dearly loves the people and the State of Mysore. Some of my forefathers have also ruled the State,

Mysore has had a record of good administration which is a matter of pride to everyone here. The tradition of my revered ancestors and the wisdom of the Statesmen who were appointed by them to administer the affairs of the State have contributed in large measure to secure the well-being of the people of the State through many generations. The foundation of government based on the will of the people was laid in 1881 when my illustrious grand-father of revered memory established the Representative Assembly where public opinion was effectively exercised upon the administration of the State. When Responsible Government was established in 1947 my rejoicing was as great as that of the people who had secured it.

Shri K.Chengalaraya Reddy who formed the first Ministry upon the advent of Responsible Government together with the other members of the Council of Ministers maintained relations with me as the Head of the State which were at once cordial and dignified. The memory of those relations adds to my present unhappiness. It is my sad and painful duty to inform you that the present

The Chief Minister's personal conduct and bearing towards me are devoid of the cordiality and dignity which have always characterised the relations of his predecessors in office with me. He has a habit of being unpleasant and offensive in speech and rude in manners during his interviews with me. He has thought fit to use language and expressions which I have never been accustomed to hear used in my presence ~~ever~~ before. Unwarranted references to the ladies of my family have been made by him during his interviews with me. Letters have been addressed by him to my sisters asking them to show cause why their ~~pensions~~ allowances should not be stopped. He has ~~had the affrontery to declare to~~ been telling me that every mark of distinction and prestige really belongs to him as the elected representative of the people and that it is by mere sufferance on his part that any consideration is still being shown to me and the members of my family. He has ~~spoken with contempt of~~ not approved of the Agreement between the Government of India and the Mysore Government concerning my personal property and has gone to the length of threatening me that he would scrap this Agreement. by the agreement of this year of 7th Feb 1957 Engineers V.P. Menon.

In the month of July ~~last~~ when I stayed in Bangalore for three weeks, the Chief Minister sought an interview with me one evening. Before the hour fixed for the interview I had ~~gone~~ been out ~~on a walk and been drenched by showers~~ playing tennis with my relatives & had to change and get ready to receive him at the appointed time. He had arrived by then and on learning that I was getting ready to meet him, complained that I was unmindful of what was due to him as Chief Minister and left abruptly even as I was ~~walking towards him~~ coming down the steps into the drawing room. This was followed by an unpleasant letter complaining of the treatment which he ~~was receiving at my hands~~ had received from my staff. When he met me again after

I replied to his letter explaining how he was mistaken if he only minded he could even declare Mysore independent and that he spoke disagreeably and said to me that his political ~~Lieutenants like Sri Huchemasthy Gouda have been advising him that he should go ahead and declare Mysore State independent.~~ do so.

During May-June this year I had been camping at Bandipur where we have maintained a Wild Life Sanctuary. It is my habit to spend some time every year at this place and forget my cares in the Solitude of the forest. The Chief Minister asked wrote to me from Cotacamund where he had been holidaying with his friends ~~asking~~ that I should place the camp bungalow at his disposal as he wanted to bring his friends and stay at the camp for a few days. I sent a reply saying that he and his friends might come and stay as my guests at the camp, in the belief that these friends were probably members of the Legislature some of whom usually accompany him in his tours. When the Chief Minister arrived, he brought with him as his friends Sri Karanjia, Editor of the Blitz, this wife ~~Srimathi Karanjia~~, their child and an ayah! Brigadier Dhillon and Mrs Dhillon were also with him. I cannot permit myself to give an account of all that the Chief Minister said and did during his stay at the camp in this letter. I shall only say that he made me feel sorry for having asked him and his friends to be my guests. More than once on this occasion at the tea-table the Chief Minister forgot his manners and indulged himself to speak of the Agreement between the Government of India and Mysore in disparaging terms before the company. ~~The impression he has left on my mind is that exhibitionism is his ruling passion.~~ ⊗

My position as Rajapramukh of Mysore State has been made very difficult by the Chief Minister. There are but few communications from the Ministry to me in matters of State. I am not kept informed in due course

upon my return from my recent South Indian tour the Chief Minister sought an interview with me at Bangalore on the 9th instant. During the interview he used abusive expressions repeatedly ~~for~~ forty-five minutes that he was his manner. He made references to the Latest political developments in the Country which I have no personal knowledge and about which I have no reason to believe that he was in a position to comment with authority. ⊗

of important Governmental affairs. Even the Rajapramukh's assent to the Legislative measures passed by both Houses of the Legislature is sought ~~in a cavalier fashion very much as if the Ministry was doing me a personal favour~~ more as a necessary evil than like the previous ministry, who did so to seek the advice. In these circumstances I look to you for advice and guidance as to what you would have me do to free myself from personal embarrassment in functioning as the Constitutional Head of Mysore State during the Chief Ministership of Sri L.Hanumantheiya. I have always received much kindness and affection from you and therefore I have opened my heart to you out of conviction that you will advise me on what is to be done to ensure good Government in the State.

Last, but not least, I must beg you to treat this letter as most confidential for the reason that if any knowledge of it should be known to the Chief Minister, he will make my position, already awkward and troublesome with it, into something intolerable and impossible. So I have made this special request and trust that you will understand my feelings in the matter.

With kindest

I have the honour to be

myself

Yours very sincerely,

A. Introductory.

To explain the background to the present episode.
Harmonious atmosphere

Creation of disharmony through C.M.. conduct.

a) Explain delay until now
b) Mysore reputation
i. Family history
ii. Representative Assembly 1881.
iii. Responsible Govt. in 1947.
iv. Y.C.Reddy & Colleagues
v. Our relationship

B. State Affairs.

1. General.

a) Party differences
b) Memoranda submitted by Congress President to Nehru
c) Recent happenings
d) Civil Service disruption

2. Judicial.

a) Interference
b) Threats etc.

3. Palace Affairs:

a) Dasara Festivities
b) Unnecessary interference
c) Govt. orders and they were carrie out. Only unsettlement of all settled affairs
d) Interference in the Palace household and office.

4. Personal relationship:

a) Unpleasant
b) Rudeness
c) Accusation
i. personal
ii. Staff
d) I have done my best - hopelessness
e) Interviews.
f) Who I see and what I do.

Conclusion:

a) Hopelessness of my position
b) seek advice
c) a lot to communicate content of letter to ...